Government of Saskatchewan

Annual Report 2000 - 2001

Saskatchewan
Justice

Saskatchewan Police
Complaints Investigator

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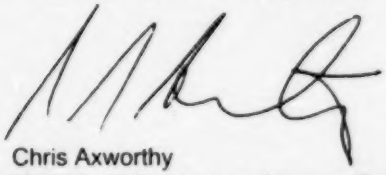
Letters of Transmittal

September 1, 2001

Her Honour
The Honourable Linda Haverstock
Lieutenant Governor of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan

Dear Madam:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2000 to March 31, 2001.



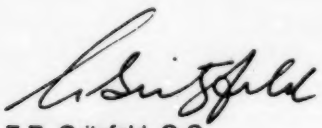
Chris Axworthy
Minister of Justice and Attorney General

September 1, 2001

The Honourable Chris Axworthy
Minister of Justice and Attorney General
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2000 to March 31, 2001.



E.R. Gritzfeld, Q.C.
Complaints Investigator

Mission Statement

The Complaints Investigator is a non-police person appointed by the government to ensure that both the public and police receive a fair and thorough investigation of a complaint against the police.

One of the main functions of the police is the protection of the general public. Police Services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when a citizen feels he or she has not been treated fairly by a police officer and for that reason a Citizen Complaint Procedure was set out in *The Police Act, 1990.* It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Complaints Investigator

Civilian review of public complaints against the police began in the United States in the 1960's. Since then it has spread around the world and developed so that today, Canada is recognized as a leader in the public complaints field. On January 1, 1992, Saskatchewan brought in a new procedure for the handling of complaints against municipal police with the appointment of a Complaints Investigator. Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the Investigator are as follows:

(a) record the complaint received;

(b) establish and maintain a record of all public complaints received by the police services and their dispositions;

(c) inform, advise and assist complainants;

(d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;

(e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and

(f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.

(2) In exercising the duties of the investigator pursuant to this section, the investigator:

(a) shall receive and obtain information respecting a public complaint from the complainant;

(b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate,

(c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and

(d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

Complaints Investigator

E.R. Gritzfeld, Q.C.

Administrative Staff/Accommodation

Gary F. Treble - Director
Wendy McAuley - Office Manager/Secretary

Saskatchewan Police Complaints Investigator
3rd Floor - 1919 Saskatchewan Drive
Regina, Saskatchewan
S4P 3V7

Telephone: (306) 787-6519
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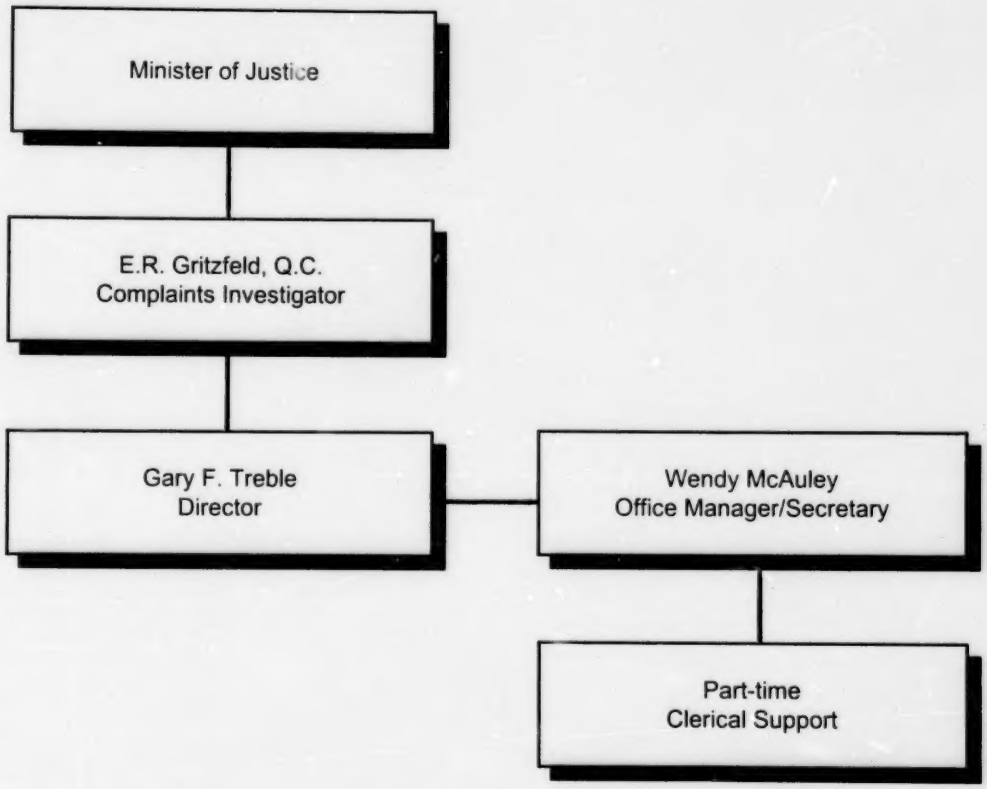
Organizational Structure



2000-01 Activities and Results

For the period April 1, 2000 to March 31, 2001 this office processed 154 complaints against municipal police officers in the province.

Noted below is the time frame involved to receive the complaint, investigate, review the matter and advise the complainants of the action taken with respect to their concern.

Time Frame	% of Complaint Files
0 - 30 days	7%
31 - 60 days	8%
61 - 90 days	11%
91 - 120 days	14%
121 - 150 days	6%
151 - 180 days	6%
Over 181 days	18%
Pending	30%

The following pages show the breakdown of complaints for each of the 15 Municipal Police Services and two Rural Municipality Police Services in the province.

Saskatchewan Police Complaints Investigator
April 1, 2000 to March 31, 2001

	Number of Complaint Files		Number of Complaint Files
Regina	50	Dalmeny	2
Saskatoon	63	Luseland	0
Moose Jaw	9	Macklin	0
Prince Albert	20	Stoughton	0
Estevan	4	Watson	1
Weyburn	2	Yellow Grass	0
Caronport	0	R.M. of Corman Park	2
Churchbridge	0	R.M. of Vanscoy	0
Cudworth	1		
Total Number of Files	**154**		

Findings of Complaints Received
April 1, 2000 to March 31, 2001

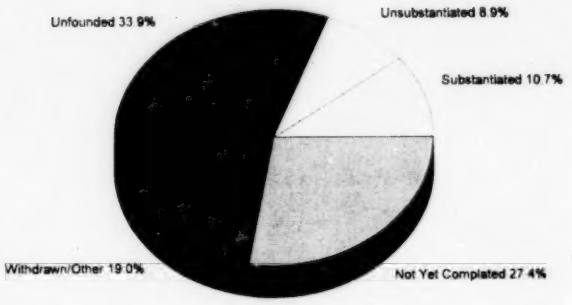
Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	Not Yet Completed	Total
Regina	7	11	27	10	6	61
Saskatoon	9	3	14	13	27	66
Moose Jaw	1	1	3	0	4	9
Prince Albert	1	0	8	8	3	20
Estevan	0	0	2	1	1	4
Weyburn	0	0	1	0	1	2
Caronport	0	0	0	0	0	0
Churchbridge	0	0	0	0	0	0
Cudworth	0	0	1	0	0	1
Dalmeny	0	0	0	0	2	2
Luseland	0	0	0	0	0	0
Macklin	0	0	0	0	0	0
Stoughton	0	0	0	0	0	0
Watson	0	0	1	0	0	1
Yellow Grass	0	0	0	0	0	0
R.M. Corman Park	0	0	0	0	2	2
R.M. Vanscoy	0	0	0	0	0	0
Total	**18**	**15**	**57**	**32**	**46**	**168**

*** While 154 complaints were filed - some had multiple complaints and findings**

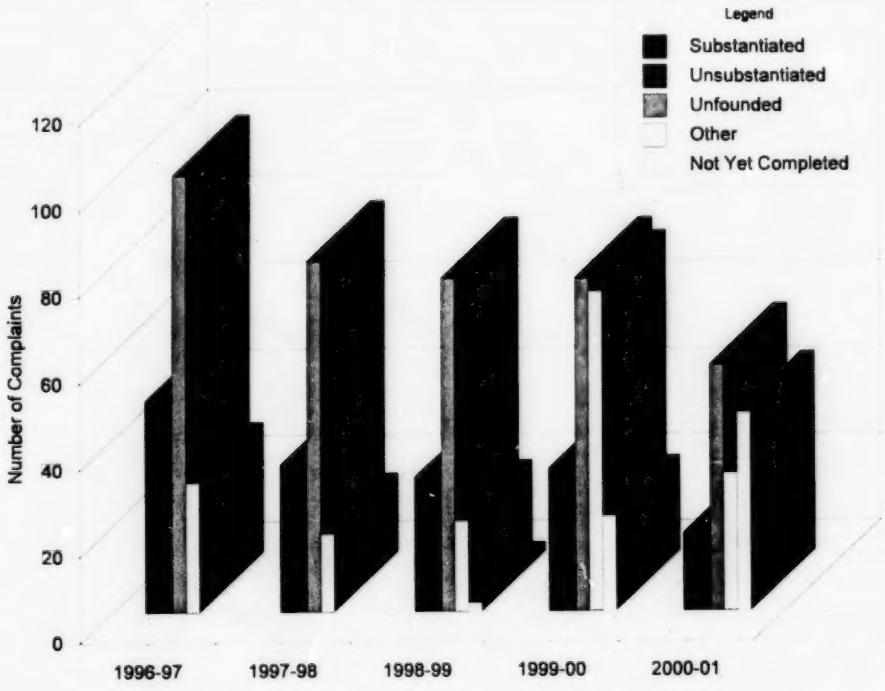
Definition of Complaint Findings

Substantiated - Supported by evidence
Unsubstantiated - Allegation cannot be proved or disproved
Unfounded - Unsupported by evidence

Complaint Findings
April 1, 2000 to March 31, 2001



Five-Year Comparative Statistics



Saskatchewan Police Complaints Investigator
Types of Complaints Received
April 1, 2000 to March 31, 2001

	TOTAL		REGINA	SASKATOON	MOOSE JAW	P. ALBERT	ESTEVAN	WEYBURN	CARONPORT	CHURCHBRIDGE	CUDWORTH	DALMENY	LUSELAND	MACKLIN	STOUGHTON	WATSON	YELLOW GRASS	CORMAN PARK	VANSCOY
COMPLAINTS RECEIVED	**168**		**61**	**66**	**9**	**20**	**4**	**2**	**0**	**0**	**1**	**2**	**0**	**0**	**0**	**1**	**0**	**2**	**0**
TYPE OF COMPLAINT																			
Discreditable Conduct	**17**		10	0	2	2	1	1	0	0	0	0	0	0	0	1	0	0	0
Neglect of Duty	**22**		14	4	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0
Insubordination	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	**5**		0	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corrupt Practice	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	**59**		27	21	1	9	1	0	0	0	0	0	0	0	0	0	0	0	0
Improper Use of Firearms	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform/Improper Personal Appearance	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/Drugs	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	**1**		0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Others	**18**		4	10	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Not Yet Completed	**46**		6	27	4	3	1	1	0	0	0	2	0	0	0	0	0	2	0

Case Summaries

The following case summaries are a cross-section of the types of complaints received.

■ A taxi driver complained about a disturbance outside a nightclub. He stated that he received some injuries as a result. He stated that he pointed out the person responsible for the assault to the police. They did not arrest the person but only took down names. He felt the police were giving him the "run around".

Investigation revealed that police were driving past the nightclub and observed a disturbance in the parking lot. They were flagged down by a person believed to be the complainant. There were a number of people milling about the area with several individuals shouting accusations and giving stories as to how the disturbance broke out and who was responsible. The officers decided it would be best to diffuse the situation and they started to clear people away. The officers were also receiving conflicting stories from the witnesses. The complainant left the scene to attend at the hospital. All parties spoken to were instructed to attend at the police station the following morning to file statements. Only the complainant attended.

In the circumstances and considering the potential for continuing violence the officers could not conduct a proper investigation at the time. While the concerns of the complainant were eventually investigated - the follow up by one of the officers was not adequate. Therefore the Chief of Police took internal action against the officer.

I was informed at the conclusion of the investigation, which included interviews and photographic lineups, no one, including the complainant was able to identify the person responsible for the assault on the taxi driver.

■ Mr. D. complained that police stopped him and "he gave himself up". He alleges the officers struck and beat him with night sticks. He also claimed that he was thrown to the ground, kicked and then dragged to the police vehicle, resulting in blurred vision, a sprained arm and bruising to his face.

Investigation revealed that Mr. D. was driving a stolen vehicle. Police attempted to pull him over and a high speed chase ensued. He struck several vehicles during the chase and also struck another vehicle in a shopping mall parking lot. Police shot out two tires on his vehicle as he attempted to run over two officers. Police arrested Mr. D. His arrest was witnessed by several members of the public. Because of his bizarre behaviour he was taken to the hospital where he resisted the efforts of medical personnel to examine him. He began banging his face on the stretcher railing, causing his nose to bleed. Then he would fling blood onto persons nearby. All witnesses to the arrest described the events in the same manner as described by the police officers involved. No one saw the police kick or strike Mr. D. Some witnesses categorically stated that such events did not happen. Photographs of his injuries were taken two days after the incident. The matter was referred to Saskatchewan Justice for review. All the evidence supported the conclusion that the police involved in the arrest and in controlling the complainant at the hospital, as well as medical personnel, used no more force than was reasonable and necessary in the circumstances.

■ While at her mother's home a family member requested medical assistance for Ms. B. who was heavily intoxicated. Ms. B. herself indicated that she had been hallucinating. She later awoke in police cells suffering from various injuries. She attributed those injuries to the police and insisted they had no right to arrest her and had applied excessive force in doing so. She also says she was denied medical attention.

The complainant's brother D.K. was home when Ms. B. came in accompanied by a male individual who left a short time later. The brother described her as being intoxicated to the point of hallucinating. Subsequently, he called an ambulance. When she was taken outside to the ambulance and refused to cooperate, police arrested her. D.K. never saw the police use physical force with her, though he didn't see the final moment when she was placed in the police car.

Another person was also present and confirmed Ms. B. was heavily intoxicated. She understood that Ms. B. fell down the outside steps at least once; she was told this by the brother. She said that Ms. B. did chase outside after the male associate when he left, and that was the time when she apparently fell. She saw no application of physical force by the police either.

The ambulance attendant described Ms. B. as intoxicated and uncooperative. He confirmed the chain of events that led to her arrest. He did see the police place her in the car and observed no significant force involved. The attending officers related the same information. They indicated nothing unusual occurred and that no significant force was needed to arrest her; nor was any applied. There was no request from Ms. B. for medical aid while she was in detention.

Over the next few days, an interesting chain of events occurred. Arrested again, Ms. B. told police that officers had broken her collarbone (untrue) and that she would sue. A day later she went to see a doctor, saying that she was "probably" rough handled by the police. Her contradictory statements did not assist.

While there is no doubt she was injured, there seemed to be no evidence available to indicate how she was injured. That pointed the investigation to the male who had accompanied her home. In an oral statement given to another police service, he said Ms. B. fell at least four times earlier that evening. Three of those times it was on steps or stairs. Given her level of intoxication, that accounted fully for her injuries.

Clearly, the police had justification to arrest Ms. B. There was no evidence of anything improper having been done by them at the scene or in cells. The explanation for her injuries given by her friend ended the matter.

There was no basis for a charge against the arresting officers.

Case Summaries

■ Mr. S. was arrested in February, 2000. He did not know the exact date. He stated an officer grabbed him and threw him onto the hood of a vehicle. He alleged that the officer then placed the handcuffs on too tight. As a result the complainant received injuries to his left shoulder. Upon release from custody he stated he asked for the name of the arresting officer and was advised it was Cst. T. S.

Investigation of Mr. S.'s concerns determined the following. The complainant was arrested on December 9, 1999, not sometime in February, 2000. The investigation also determined that three hours prior to his arrest he attended at the hospital complaining of pain in his left shoulder. The shoulder had been subject to major surgery earlier in 1999. He had a further operation in 2000 to replace the steel pins in his shoulder. The allegation that police injured his shoulder during the arrest was not true. Also, the arresting officer was not the same one identified by the complainant. The matter was reviewed by Saskatchewan Justice. Their review found that the inconsistencies and contradictions in Mr. S.'s version of events, together with his background, rendered his evidence totally unreliable. There was no evidence that police used unreasonable force and therefore there was no basis for any charges.

Allocation of Budget 2000-2001

The following figures show the approved budget for the 2000-2001 fiscal year.

	2000-2001
Approved Budget	**$ 159,000**
Salaries, Honorariums, Per Diems	$ 121,836
Operating Expenses	47,106
	$ 168,942 *

*Excess operating expenses incurred resulting from investigations completed by the RCMP Task Force and this office in Saskatoon.